IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Crl.Rev.Pet.No. 796 of 1999()

CRA.201/1993 of II ADDL. SESSIONS COURT, TRIVANDRUM
ST.51/1990 of JUDL. MAGISTRATE OF FIRST CLASS COURT-II, NEDUMANGAD

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REVN. PETITIONERS: APPELLANTS/ ACCUSED 1 TO 5
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1. **P.K.SREEDHARA PANICKER, EMPLOYER, SREEKRISHNA PLANTATIONS VALIYAVILA, MANNOORKKARA, KUTTICHAL.**
2. **S.VIJAYAKRISHNAN NAIR, EMPLOYER OF -DO- -DO-**
3. **S.RADHAKRISHNAN EMPLOYER .DO. DO.**
4. **V.GIRIJAKUMARI, EMPLOYER OF DO. DO.**
5. **S.GOPALAKRISHNAN NAIR, EMPLOYER OF -DO- DO-**

BY ADV. SRI.M.RAJASEKHARAN NAYAR

RESPONDENTS: RESPONDENTS/ COMPLAINANT
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1. **THE ASSISTANT LABOUR OFFICER, NEDUMANGAD.**
2. **STATE REP.BY DIRECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM.**

(THE REVISION AGAINST THE JUDGMENT IN CRIMINAL APPEAL NO.201/93 DT. 23RD DECEMBER, 1994 AGAINST THE JUDGMENT IN ST.51/90 FO THE JUDL. IST CLASS MAGISTRATE COURT II, NEGUMANGAD.)

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20 /07/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO. 796 OF 1999

DATED THIS THE 20th July 2007

ORDER

The revision petitioners are the accused who stand convicted for the offence under Section 22 A of the Minimum Wages Act, 1948 as they failed to produce the concerned registers with respect to the employees despite repeated notices.

2. The evidence adduced in the matter consisted of the testimony of Pws.1 to 3 and Exts.P1 to P22. The defence examined DW1 and got marked Exts. D1 to D3.

3. The contention of the revision petitioners is that there was a partition and they are in separate possession of portions of the plantations was rejected by the courts below on the basis of the evidence in the matter. Even as per the evidence of DW1 the entire plantation is lying as a single holding and there was no demarcation of separate portions. The other contention that the complainant is not competent to institute the proceedings was also found against by the appellate court as the

particular order appointing him as the Assistant Labour officer Grade-II of the particular Panchayat was produced. In the circumstances, I find no reason to interfere in the findings of the courts below. The Crl. revision petition is dismissed.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P. NO. 796 OF 1999
ORDER

20-7-2007